

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:13-HC-2184-FL

KENYATTA EVERETT-DENROY )  
FOGG-EL, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
LINWOOD SUTTON, )  
 )  
Respondents. )

ORDER

Petitioner petitions this court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner moved to voluntarily dismiss this action (DE 13). An action may be dismissed voluntarily by petitioner without order of the court by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. See Fed. R.Civ. P. 41(a)(1). Otherwise an action shall not be dismissed on the petitioner's request except upon an order of the court. See Fed. R.Civ. P. 41(a)(2). Respondent had not filed an answer or motion for summary judgment. Accordingly, petitioner's motion for voluntary dismissal pursuant to Rule 41(a)(1) (DE 13) is GRANTED, and the matter is DISMISSED without prejudice. The Clerk of Court is DIRECTED to close this case.

SO ORDERED, this 24th day of February, 2014.



LOUISE W. FLANAGAN  
United States District Judge